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JUL 26 2007

**FAX****INTELLECTUAL PROPERTY LAW**

To:	U.S. Patent & Trademark Office			From:	Ronald E. Smith
Attn:	Michael Brown, Art Unit: 3772			Client:	1320.02
Fax:	(571) 273-8300			Pages:	12 including coversheet
Phone:	(571) 272-8145			Date:	July 26, 2007
Re:	USSN: 09/682,353			CC:	Bailey Walsh & Co.
<input type="checkbox"/> Urgent		<input checked="" type="checkbox"/> For Review	<input type="checkbox"/> Please Comment	<input type="checkbox"/> Please Reply	<input type="checkbox"/> Please Recycle

Dear Examiner Brown:

In response to the Notice of Non-Compliant Amendment mailed July 12, 2007, we enclose the following:

- 1) Response Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated July 26, 2007 -(2 page)
- 2) Response with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated July 26, 2007 -(8 pages); and
- 3) Credit Card Form PTO-2038 in the amount of \$125.00 for payment of extra claims - (1 page).

Very respectfully,

Ronald E. Smith  
USPTO Reg. No. 28,761

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE CENTRAL FAX CENTER****RECEIVED****JUL 26 2007**

Serial No. : 09/682,353 Confirmation No. 8397  
Applicant : Richard M. Hall  
Filed : 08/24/2001  
TC/A.U. : 3764  
Examiner : Michael A. Brown  
Docket No. : 1320.02  
Customer No. : 21,901  
For : Obesity Treatment Aid

Transmitted to Central Fax at (571) 273-8300  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TRANSMITTAL**

1. Transmitted herewith is a Response to the Notice of Non-Compliant Amendment for this application.

**STATUS**

2. Applicant is a independent inventor.

**EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this Response to Notice of Non-Compliant Amendment, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3764, Attn: Michael A. Brown, (571) 273-8300, on July 26, 2007.

Dated: July 26, 2007

  
Lauren Reeves

(Amendment Transmittal- Page 1 of 2)

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JUL 26 2007

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3) SMALL ENTITY		
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total 35	Minus 34	= 1	x \$25 =	\$25
Indep. 5	Minus 4	= 1	x \$100 =	\$100
First Presentation of Multiple Dependent Claim				+ \$180 = \$0
				Total Addit. Fee \$125

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".
- \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed

An additional fee for claims is required.

Very respectfully,

## SIGNATURE OF PRACTITIONER

Ronald E. Smith  
Smith & Hopen, P.A.  
Customer No. 21, 901  
180 Pine Avenue North  
Oldsmar, Florida 34677

(Amendment Transmittal - Page 2 of 2)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 26 2007

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P. O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Introductory Comments

Sir:

In response to the Notice of Non-Compliant Amendment mailed 07/12/2007, having a shortened statutory period for response set to expire 08/12/2007, a clean copy of the claims is provided herewith.

Amendments to the Claims are reflected in the clean copy of claims that begins on page 2 of this paper.

Remarks begin on page 8 of this paper.

07/27/2007 SSANDARA 00000006 09682353

01 FC:2201  
02 FC:2202

100.00 OP  
25.00 OP